

UNOFFICIAL VERSION

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**SENATE JOURNAL
OF THE
ONE HUNDRED SEVENTH GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE
SECOND REGULAR SESSION
TUESDAY, JANUARY 10, 2012
FORTIETH LEGISLATIVE DAY
CALL TO ORDER**

The Senate of the One Hundred Seventh General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker Ramsey, pursuant to **Senate Joint Resolution No. 468**, and in accordance with Article II, Sections 3 and 8 of the Constitution of the State of Tennessee.

PRESENTATION

Senator Gresham introduced the U.S. Marine Corps Recruiting Station Nashville who presented the colors.

PRAYER

The proceedings were opened with prayer by Reverend Keith Johnson of East Maryville Baptist Church in Maryville, Tennessee, a guest of Senator Overbey.

PLEDGE OF ALLEGIANCE

Senator Gresham led the Senate in the Pledge of Allegiance to the Flag.

MOTION

Senator McNally moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 486**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 486 by Senator McNally.
Memorials, Heroism -- Lance Corporal Franklin Watson.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 486** was adopted by the following vote:

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Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

PRESENTATION

Senator McNally introduced the family members of Lance Corporal Franklin "Frankie" Watson.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

April 14, 2011

The Honorable Ron Ramsey
Lieutenant Governor and Speaker of the Senate
One Legislative Plaza
Nashville, TN 37243

Dear Lieutenant Governor Ramsey:

Serving in the Tennessee General Assembly and as Speaker Pro Tempore of our State Senate has been among my life's greatest honors. I am grateful beyond words to have represented the voters of Knox County in the Senate, and before that the voters of Knox and Jefferson Counties in the House of Representatives.

As a legislator, supporting and improving public education in Tennessee has been my passion. There is no more important priority for parents, school systems, and our state. Research has shown that good jobs and higher pay are directly tied to the quality of our education system and individual student achievement.

My legislative service has afforded me the ability to work with extraordinary colleagues to make substantive and meaningful contributions to our state's education system. Among my proudest

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achievements is participating in the collaboration that resulted in Tennessee's successful First to the Top reform strategy.

In 2009, I was asked to serve on the Steering Committee of the Tennessee State Collaborative on Reforming Education (SCORE), chaired by former U.S. Senate Majority Leader Bill Frist. In this role, I have worked with you and many other dedicated Tennesseans determined to think big in terms of moving our state's education system forward.

My relationship with SCORE is the basis of this letter. After much consideration, I have accepted the position of President and Chief Executive Officer for SCORE. In this role, I will advise SCORE's Board of Directors, Steering Committee, and partner organizations as we move forward with the collective goals of encouraging sound public education policy decisions and advancing innovative education reform statewide.

Therefore, I tender my resignation from the State Senate effective July 9, 2011. This will provide a reasonable transition period for the voters of Knox County to elect their new senator.

I am deeply indebted to you for your kindness and confidence. My heartfelt appreciation goes out to everyone in state government and across Tennessee with whom I have had the wonderful pleasure to work. I will look forward in this new position to continuing and growing the relationships I cherish.

Yours in service,

/s/ Jamie Woodson

NOTICE

**STATE OF TENNESSEE
COUNTY OF KNOX**

**COUNTY COMMISSION MEETING
JULY 25, 2011**

The Knox County Board of Commissioners met in Regular Session on Monday, July 25, 2011 at 1:45 p.m. in the Main Assembly Room of the City-County Building, Main Avenue. Those members present were Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse. Also present were Mr. Joe Jarret, Knox County Law Director; Mr. Richard Walls, Knox County Internal Auditor; Mr. John Troyer, Senior Director for Knox County Finance; Mr. Tim Burchett, Knox County Mayor; Mr. Mark Donaldson, Executive Director for Metropolitan Planning Commission; Mr. Ewing "Buzz" Johnson, Deputy Director for Metropolitan Planning Commission; and members of the news media.

Commissioner Hammon, Chairman, presided.

The following proceedings were had and entered of record to-wit:

IN RE: ROLL CALL - (2:00 p.m.):

Mrs. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, called the roll.

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IN RE: DEVOTIONAL:

Commissioner Broyles gave the devotional.

IN RE: PLEDGE OF ALLEGIANCE TO THE FLAG:

Commissioner McKenzie led the Pledge of Allegiance to the Flag.

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPOINTING AN INDIVIDUAL TO SERVE AS THE SIXTH DISTRICT STATE SENATOR UNTIL THE NOVEMBER 2011 GENERAL ELECTION RESULTS ARE CERTIFIED – R-11-7-110:

Consideration of a resolution of the Commission of Knox County, Tennessee, appointing an individual to serve as the Sixth District State Senator until the November 2011 general election results are certified was before the Board of Commissioners.

Mr. Joe Jarret, Knox County Law Director, was present and spoke on the matter.

Upon roll call for nominations for the Sixth District State Senator, Commissioner McKenzie nominated Mr. Tom Midyett. Commissioner Broyles passed. Commissioner Norman nominated Mr. Carson Dailey. Commissioner Ownby passed. Commissioner Briggs nominated Ms. Sue King Atchley. Commissioner Anders passed. Commissioner Smith passed. Commissioner Wright passed. Commissioner Brown passed. Commissioner Hammond passed. Commissioner Shouse passed.

Upon roll call for the Sixth District State Senator, Commissioners Briggs, Anders, Brown, Hammond and Shouse voted for Ms. Atchley. Commissioners Norman, Ownby and Smith voted for Mr. Dailey. Commissioners McKenzie and Broyles voted for Mr. Midyett. Commissioner Wright abstained from voting.

Ms. Atchley received 5 votes. Mr. Dailey received 3 votes. Mr. Midyett received 2 votes.

Upon roll call for the Sixth District State Senator, Commissioners McKenzie, Briggs, Anders, Brown, Hammond and Shouse voted for Ms. Atchley. Commissioners Broyles, Norman, Ownby and Smith voted for Mr. Dailey. Commissioner Wright abstained from voting.

Ms. Atchley received 6 votes. Mr. Dailey received 4 votes.

Ms. Sue King Atchley was appointed Sixth District State Senator by Resolution R-11-7-110 - Resolution of the Commission of Knox County, Tennessee, appointing Sue King Atchley to serve as the Sixth District State Senator until the November 2011 general election results are certified.

At this time, Ms. Atchley was sworn in by Chancellor John Weaver.

IN RE: ADJOURNMENT:

There being no further business to come before the Knox County Board of Commissioners, Commissioner Hammond declared the meeting adjourned.

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Knox County Board of Commissioners

/s/ Mike Hammond, Chairman

COMMUNICATION

January 10, 2012

The Honorable Ronald Ramsey
Speaker of the Senate & Lt. Governor
1 Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker:

On July 25, 2011, Ms. Sue Atchley was duly and constitutionally appointed by Knox County Commission as State Senator for the 6th Senatorial District for the 107th General Assembly.

I certify to you that on July 25, 2011, Ms. Sue Atchley was properly administered the oath of office by Knox County Chancellor John Weaver, and assumed her office as State Senator for the 6th Senatorial District.

With kindest regards, I am

Yours truly,

/s/ Russell A. Humphrey
Chief Clerk

NOTICE

**REPORT OF THE SECRETARY OF STATE
ELECTION RESULTS FOR SENATE SEAT 6**

The report was received and filed with the Clerk.

OATH OF OFFICE OF SENATOR ELECT

The Speaker declared that Mrs. Becky Massey, having been duly elected and qualified, was hereby officially seated representing the 6th Senatorial District. The Honorable Joe D. Duncan, Judge (retired) of the Tennessee Court of Criminal Appeals, administered the oath in Knoxville, Tennessee on November 20, 2011, prescribed by the Constitution of the State of Tennessee and Tennessee Code Annotated, Section 3-1-105.

COMMUNICATION

January 10, 2012

Lt. Governor Ron Ramsey
1 Legislative Plaza
Nashville, TN 37243

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Dear Lt. Governor Ramsey:

I was unable to attend the Floor Session in the Senate on Tuesday (January 10) because I was unavoidably detained in Memphis, TN.

Please excuse my absence and release this letter for the Senate Journal.

Respectfully,

/s/ Ophelia Ford
State Senator (District 29)

APPROVED: Lieutenant Governor
Ron Ramsey

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 2120 through 2182** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2120 by Senator Kelsey.

Tort Liability and Reform -- As introduced, revises certain provisions regarding tort actions and damages. Amends TCA Title 20; Title 27; Title 29 and Title 47.

Senate Bill No. 2121 by Senator Kyle.

Business and Commerce -- As introduced, repeals Chapter _ of the Public Acts of 2011 (Senate Bill 632 / House Bill 600). Repeals Chapter _ of the Public Acts of 2011.

Senate Bill No. 2122 by Senator Norris.

Birth Control -- As introduced, requires that taxpayer-funded family planning services and programs to be provided through the county health departments or, alternatively, by the Department of Health; prohibits payment of such family planning funds to third-party providers or private organization or entities. Amends TCA Section 68-34-105.

Senate Bill No. 2123 by Senators Ketron, Norris and Southerland.

Criminal Offenses -- As introduced, enacts the "Caylee Anthony Act". Amends TCA Title 37; Title 38; Title 39 and Title 40.

Senate Bill No. 2124 by Senators Stewart and Barnes.

Children -- As introduced, penalizes a parent for failing to report a missing child. Amends TCA Title 37; Title 38; Title 39 and Title 40.

Senate Bill No. 2125 by Senator Barnes.

Highway Signs -- As introduced, designates segment of State Route 374 in Clarksville as "Officers David Scott and Yamil Baez-Santiago Memorial Parkway".

Senate Bill No. 2126 by Senator Ford.

Fireworks -- As introduced, permits the sale of consumer fireworks in Shelby County by deleting language that prohibits the sale of fireworks in such county. Amends TCA Section 68-104-112.

Senate Bill No. 2127 by Senator Bell.

Game and Fish Laws -- As introduced, removes authority of Tennessee Wildlife Resources Commission and TWRA to regulate hunting of wild hogs on private land. Amends TCA Title 70.

Senate Bill No. 2128 by Senators Ketron, Tracy and Faulk.

Election Laws -- As introduced, allows persons age 60 and older to vote absentee upon request, instead of age 65 and older. Amends TCA Section 2-6-201(5).

Senate Bill No. 2129 by Senator Berke.

Employees, Employers -- As introduced, enacts the "Tennessee Works Act of 2012". Amends TCA Title 50, Chapter 7.

Senate Bill No. 2130 by Senator Finney.

Board of Regents -- As introduced, appropriates \$15 million to the board of regents to provide funding for equipment and program expansion at the technology centers. Amends TCA Title 49.

Senate Bill No. 2131 by Senator Finney.

Taxes, Sales -- As introduced, institutes Tennessee small business sales tax holiday program. Amends TCA Title 67, Chapter 6.

Senate Bill No. 2132 by Senator Finney.

Energy -- As introduced, requires the output of the West Tennessee solar farm to be doubled. Amends TCA Title 4, Chapter 3 and Title 49, Chapter 9.

Senate Bill No. 2133 by Senator Finney.

Real Property -- As introduced, requires the Department of Economic and Community Development to maintain a publicly accessible database of commercial real estate that is available for sale throughout the state. Amends TCA Title 4, Chapter 3, Part 7; Title 62, Chapter 13 and Title 66.

Senate Bill No. 2134 by Senator Finney.

Economic and Community Development -- As introduced, requires the Department of Economic and Community Development to ensure the full development of the West Tennessee megasite; appropriates funds for such purpose. Amends TCA Title 64, Chapter 6.

Senate Bill No. 2135 by Senator Kelsey.

Education -- As introduced, enacts the "Equal Opportunity Scholarship Act". Amends TCA Title 49, Chapter 6.

Senate Bill No. 2136 by Senator Finney.

Criminal Procedure -- As introduced, provides that a prosecution can be commenced for certain offenses committed on or after July 1, 2012, within the applicable period established by law or within one year after the date on which the accused's identity is established through DNA evidence, whichever period is longer. Amends TCA Title 39 and Title 40.

Senate Bill No. 2137 by Senator Finney.

Criminal Offenses -- As introduced, makes knowingly killing a police dog that is acting in its official capacity a Class D felony. Amends TCA Title 39 and Title 40.

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Senate Bill No. 2138 by Senator Finney.

Revenue, Dept. of -- As introduced, requires commissioner to include analysis of impact of utilizing regional water planning methods of other states on tax revenues in 2013 report to general assembly. Amends TCA Title 67.

Senate Bill No. 2139 by Senator Finney.

Election Laws -- As introduced, removes requirement that voter needs photograph identification prior to voting; restores former requirement that voter present identification for purpose of comparing signature on the application for ballot. Amends TCA Title 2, Chapter 7, Part 1.

Senate Bill No. 2140 by Senator Kelsey.

Statutes and Codification -- As introduced, provides that no statutory private right of action or duty of care is created unless statute contains express language creating the right or duty and prohibits implied rights of action or duties of care unless based on common law where no controlling statute exists. Amends TCA Title 1, Chapter 3, Part 1.

Senate Bill No. 2141 by Senator Kelsey.

Tort Liability and Reform -- As introduced, provides that doctrine of joint and several liability does not apply in civil actions governed by comparative fault except for applicable cases involving the family purpose doctrine. Amends TCA Title 20, Chapter 6, Part 1 and Title 29, Chapter 11, Part 1.

Senate Bill No. 2142 by Senator Kelsey.

Tort Liability and Reform -- As introduced, codifies that with certain exceptions a landowner owes no duty of care to a trespasser and is not subject to civil liability for injury, death or property damage suffered by a trespasser while on the landowner's land. Amends TCA Title 29, Chapter 34.

Senate Bill No. 2143 by Senator Kyle.

Redistricting, Congressional -- As introduced, requires compliance with state and federal constitutions as well as judicial decisions in passing congressional redistricting plan. Amends TCA Title 2, Chapter 16, Part 1.

Senate Bill No. 2144 by Senator Kyle.

Redistricting, Legislative -- As introduced, updates references to 2010 TIGER system and geography; clarifies provisions concerning districts, terms and vacancies prior to November 2012 elections; clarifies that contiguity by water is sufficient. Amends TCA Section 3-1-102.

Senate Bill No. 2145 by Senator Kyle.

Redistricting, Legislative -- As introduced, updates references to 2010 TIGER system and geography; clarifies provisions concerning districts, terms and vacancies prior to November 2012 elections; clarifies that house districts are not affected by reapportionment of county legislative bodies. Amends TCA Section 3-1-103.

Senate Bill No. 2146 by Senator Kyle.

Redistricting, Legislative -- As introduced, updates reference to 2010 TIGER system; clarifies contiguity by water is sufficient. Amends TCA Section 2-16-103.

Senate Bill No. 2147 by Senator Kyle.

Redistricting, Legislative -- As introduced, clarifies that senate must comply with applicable federal statutes. Amends TCA Section 3-1-102.

Senate Bill No. 2148 by Senator Kyle.

Redistricting, Legislative -- As introduced, updates references to 2010 TIGER system and geography. Amends TCA Section 3-1-103.

Senate Bill No. 2149 by Senators Kelsey and Ketron.

Business and Commerce -- As introduced, limits ability of local governments to place employment practices, standards or other requirements on businesses that deviate from, modify, supplement, add to, change or vary in any manner from state statutorily imposed or recognized requirements. Amends TCA Section 7-51-1802.

Senate Bill No. 2150 by Senator Kelsey.

Taxes, Real Property -- As introduced, requires increases in property tax rates higher than one percent by a county or municipality to be approved through a referendum; authorizes the referendum process. Amends TCA Title 2; Title 5; Title 6; Title 7 and Title 67.

Senate Bill No. 2151 by Senator Ketron.

Tort Liability and Reform -- As introduced, limits liability of landowners who permit others to use their land for recreational purposes free of charge. Amends TCA Title 20 and Title 70, Chapter 7.

Senate Bill No. 2152 by Senator Summerville.

Public Contracts -- As introduced, enacts the "Tennessee Civil Rights Initiative Act". Amends TCA Title 4, Chapter 21.

Senate Bill No. 2153 by Senator Kelsey.

Sentencing -- As introduced, adds carjacking and especially aggravated burglary to offenses for which a defendant is required to serve at least 85 percent of the sentence before release eligibility; provides that certain prisoners be released upon turning 65 if they have served 15 consecutive calendar years. Amends TCA Title 39 and Title 40.

Senate Bill No. 2154 by Senator Summerville.

Lottery, Corporation -- As introduced, limits advertising of ticket sales to retailer premises; prohibits advertising to promote the lottery via media. Amends TCA Title 4, Chapter 51, Part 1.

Senate Bill No. 2155 by Senator Berke.

Public Funds and Financing -- As introduced, enacts the "Tennessee Linked Deposit Act". Amends TCA Section 4-29-236; Title 9 and Title 45.

Senate Bill No. 2156 by Senators Kelsey and Burks.

Students -- As introduced, prohibits promotion of students in the third and eighth grades who do not demonstrate understanding of the curriculum and the ability to perform required grade level skills either through the student's grades or standardized test scores, except under certain circumstances. Amends TCA Section 49-6-3115.

Senate Bill No. 2157 by Senators Ketron and Tracy.

Education, Higher -- As introduced, appropriates \$130 million to the board of regents for the purpose of constructing a science building at MTSU. Amends TCA Title 49, Chapter 7.

Senate Bill No. 2158 by Senator Kelsey.

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Public Funds and Financing -- As introduced, requires review and approval of the state funding board before a local government could borrow money or contract for or issue debt if the debt of the local government is greater than 10 percent of the assessed valuation of its taxable property or if the proposal for new debt would exceed such 10 percent level. Amends TCA Title 4; Title 5; Title 6; Title 7 and Title 9.

Senate Bill No. 2159 by Senator Ketron.

Naming and Designating -- As introduced, names Murfreesboro National Guard Armory in honor of the late First Lieutenant William Eric Emmert.

Senate Bill No. 2160 by Senator Campfield.

Ethics -- As introduced, prohibits gifts to a member of the general assembly, the value of which exceeds \$50.00, and which is also made available to the general public; provides an exception to this prohibition. Amends TCA Title 3, Chapter 6.

Senate Bill No. 2161 by Senator Campfield.

Public Health -- As introduced, revises current law to restrict the entities to which the Department of Health may disburse federal Title X family planning funds to certain public agencies. Amends TCA Section 68-34-105.

Senate Bill No. 2162 by Senator Campfield.

Lottery, Scholarships and Programs -- As introduced, allows a student who has completed an associates degree while receiving a Tennessee HOPE scholarship to be eligible for a Wilder-Naifeh technical skills grant to attend a Tennessee technology center in a diploma or certificate program, provided the student meets certain eligibility requirements. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2163 by Senator Campfield.

Child Custody and Support -- As introduced, deletes provision stating that a court may permanently modify a decree of child custody or visitation in the event that a parent volunteers for permanent military duty as a career choice. Amends TCA Section 36-6-113.

Senate Bill No. 2164 by Senator Campfield.

Education -- As introduced, requires students who score below proficient on TCAP test or do not demonstrate competency on end-of-course examination to attend summer school or receive tutoring in the subject tested at the expense of the student's parent and be retested prior to being promoted or receiving credit for course. Amends TCA Title 49, Chapter 6.

Senate Bill No. 2165 by Senators Faulk and Kelsey.

Teachers, Principals and School Personnel -- As introduced, allows teachers and principals with superior value-added growth data scores to choose those scores to comprise 50 percent or more of their evaluations based on standards set by the State Board of Education. Amends TCA Title 49.

Senate Bill No. 2166 by Senator Faulk.

Law Enforcement -- As introduced, expands, subject to certain restrictions, the private universities or colleges that are permitted to have police forces. Amends TCA Section 49-7-118.

Senate Bill No. 2167 by Senator Finney.

Alcoholic Beverages -- As introduced, requires Alcoholic Beverage Commission to promulgate rules and regulations restricting sale of high alcohol content beverages. Amends TCA Title 57, Chapter 1; Title 57, Chapter 3; Title 57, Chapter 4 and Title 57, Chapter 5.

Senate Bill No. 2168 by Senator Bell.

Consumer Protection -- As introduced, allows a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy pursuant to the sale of a mattress. Amends TCA Title 47, Chapter 18, Part 1 and Title 68, Chapter 15, Part 2.

Senate Bill No. 2169 by Senator Tracy.

Special License Plates -- As introduced, expands authorization of new specialty earmarked license plates for Sons of Confederate Veterans to include issuance of such plates for motorcycles. Amends TCA Title 55, Chapter 4.

Senate Bill No. 2170 by Senator Yager.

Utilities, Utility Districts -- As introduced, revises provisions governing the filling of vacancies occurring on the board of commissioners of certain multi-county utility districts. Amends TCA Section 7-82-307 and Title 7, Chapter 82, Part 6.

Senate Bill No. 2171 by Senator Kelsey.

Pensions and Retirement Benefits -- As introduced, effective July 1, 2012, creates a new defined contribution plan as a mandatory retirement package for newly hired state employees; closes existing defined-benefit pension plan to newly hired state employees; requires state agencies to contribute no less than 6 percent and up to 15 percent of a participating employee's salary to an individual account and contribute a certain rate to the defined benefits plan in order to cover the plan's unfunded liabilities. Amends TCA Title 8, Chapter 25, Part 1; Title 8, Chapter 25, Part 3; Title 8, Chapter 34; Title 8, Chapter 36 and Title 8, Chapter 37.

Senate Bill No. 2172 by Senator Beavers.

Drug and Alcohol Rehabilitation -- As introduced, prohibits controlled substance analogues that have substantially same chemical structure as a controlled substance or have a similar effect on the central nervous system as a controlled substance and punishes the offense the same as the controlled substance to which it is similar. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 2173 by Senator Kelsey.

Health, Dept. of -- As introduced, requires the department to pay pregnant women who are enrolled in TennCare and living in certain zip codes \$50.00 for each prenatal office visit they attend from 2013-2018. Amends TCA Title 68 and Title 71.

Senate Bill No. 2174 by Senator Beavers.

Taxes, Sales -- As introduced, changes date for annual sales tax holiday from the first weekend in August to the last weekend in July each year. Amends TCA Title 67, Chapter 6, Part 3.

Senate Bill No. 2175 by Senator Johnson.

Public Funds and Financing -- As introduced, enacts the "Uniformity in Tax Increment Financing Act of 2012". Amends TCA Title 7; Title 9 and Title 13.

Senate Bill No. 2176 by Senator Beavers.

Immigration -- As introduced, creates felony offenses for concealing, harboring, shielding from detection, transporting, or any attempt thereof, certain persons in this state; provides that certain property utilized in committing such offenses be subject to forfeiture. Amends TCA Title 38; Title 39; Title 40; Title 41 and Title 50.

Senate Bill No. 2177 by Senator Campfield.

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State Government -- As introduced, establishes standards for state recognition of Native American Indian tribes. Amends TCA Title 4.

Senate Bill No. 2178 by Senator Kelsey.

TennCare -- As introduced, prohibits Bureau of TennCare from paying for psychotropic prescription drugs that are not used for certain medically indicated uses in the medical assistance program. Amends TCA Title 71.

Senate Bill No. 2179 by Senator Henry.

Criminal Offenses -- As introduced, creates Class A misdemeanor offenses of knowingly maiming or harming a service dog, recklessly maiming or harming a service dog and the Class C misdemeanor of interfering with a service dog in the performance of its duties and provides for restitution to the handler of the dog. Amends TCA Title 39, Chapter 14, Part 2.

Senate Bill No. 2180 by Senator Campfield.

Schools, Home -- As introduced, allows home school students, including those in schools conducted by parents associated with an organization that conducts church-related schools, to participate in extracurricular athletics if the student meets the academic and conduct standards required of other participants; prohibits, subject to certain conditions, charging home school students participation fees by public schools and tuition by private schools. Amends TCA Section 49-50-801 and Title 49, Chapter 6.

Senate Bill No. 2181 by Senator Watson.

Public Utilities -- As introduced, establishes a standard, which excludes certain expenses, to be used by the authority for determining justness and reasonableness of water utility rates. Amends TCA Title 65, Chapter 4, Part 1 and Title 65, Chapter 5, Part 1.

Senate Bill No. 2182 by Senator Watson.

Criminal Procedure -- As introduced, removes statute of limitations for prosecution of the following offenses if offense committed against a child on or after July 1, 2012: aggravated rape, rape, aggravated sexual battery, sexual battery, rape of child, sexual battery by an authority figure, aggravated rape of a child, statutory rape by an authority figure, incest, producing obscene material, sexual exploitation of a minor, aggravated sexual exploitation of a minor and especially aggravated sexual exploitation of a minor. Amends TCA Title 40, Chapter 2.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 469 through 485 and 487** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 469 by Senator Henry.

Memorials, Death -- Elizabeth Moorhead Brown.

Senate Joint Resolution No. 470 by Senator Kelsey.

Constitutional Amendments -- As introduced, proposes constitutional amendment to remove provision of Article II, § 24, allowing general assembly to exceed Copeland Cap by specific legislation, resulting in a limit to annual appropriations based on the growth in the state's economy.

Senate Joint Resolution No. 471 by Senator Finney.

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Memorials, Retirement -- Jim Turner.

Senate Joint Resolution No. 472 by Senators Finney and Herron.

Memorials, Death -- John William "Johnny" Radford.

Senate Joint Resolution No. 473 by Senators Finney and Herron.

Memorials, Congratulations -- Randy Rayburn, "Randy Rayburn School of Culinary Arts" at Nashville State Community College.

Senate Joint Resolution No. 474 by Senator Henry.

Memorials, Death -- Dr. Eugene W. Fowinkle.

Senate Joint Resolution No. 475 by Senator Kelsey.

Courts, Supreme Court of Tennessee -- Proposes a constitutional amendment to provide for gubernatorial appointment of the judges of the supreme court, court of appeals and court of criminal appeals, subject to confirmation by majority vote of the Senate.

Senate Joint Resolution No. 476 by Senators Henry and Herron.

Memorials, Death -- Judge Leon Ruben.

Senate Joint Resolution No. 477 by Senator Henry.

Memorials, Death -- John Bachman Hardcastle.

Senate Joint Resolution No. 478 by Senator Faulk.

Memorials, Retirement -- Cecil "Harry" Chambers.

Senate Joint Resolution No. 479 by Senator Yager.

Memorials, Death -- Roswell Rhea Browder.

Senate Joint Resolution No. 480 by Senator Yager.

Memorials, Death -- Alberta Ahler Ross.

Senate Joint Resolution No. 481 by Senator Johnson.

Memorials, Retirement -- Chief Ricky Watson.

Senate Joint Resolution No. 482 by Senator Johnson.

General Assembly, Statement of Intent or Position -- Expresses support for confidentiality between chaplains and first responders in counseling and crisis intervention; honors Serve & Protect for work in this field.

Senate Joint Resolution No. 483 by Senator Johnson.

Memorials, Congratulations -- Fred J. Page High School marching band, Tennessee Division II Reserve Grand Champion.

Senate Joint Resolution No. 484 by Senator Henry.

Memorials, Retirement -- Donna Nicely.

Senate Joint Resolution No. 485 by Senator Henry.

Memorials, Retirement -- Judge Barbara Haynes.

Senate Joint Resolution No. 487 by Senator Gresham.

Memorials, Death -- Colonel Will Rhea Winfrey, Sr.

NOTICES

**THE ADMINISTRATIVE OFFICE OF THE COURTS CAPITAL
POST-CONVICTION CASE REPORT**

The report was received and filed with the Clerk.

THE REGULATORY RELIEF TASK FORCE ANNUAL REPORT

The report was received and filed with the Clerk.

THE ADVISORY COUNCIL ON WORKERS' COMPENSATION ANNUAL REPORT

The report was received and filed with the Clerk.

THE TENNESSEE COMMISSION ON CHILDREN AND YOUTH ANNUAL REPORT

The report was received and filed with the Clerk.

THE JOINT SELECT COMMITTEE ON BUSINESS TAXES FINAL REPORT

The report was received and filed with the Clerk.

**TENNESSEE REGULATORY AUTHORITY'S MINORITY-OWNED BUSINESS
PARTICIPATION PLAN REPORT**

The report was received and filed with the Clerk.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Consent Calendar consisting of the following resolutions: **Senate Joint Resolutions Nos. 469, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481 and 483**, which motion prevailed.

CONSENT CALENDAR

Senate Joint Resolution No. 469 -- Memorials, Death -- Elizabeth Moorhead Brown.

Senate Joint Resolution No. 471 -- Memorials, Retirement -- Jim Turner.

Senate Joint Resolution No. 472 -- Memorials, Death -- John William "Johnny" Radford.

Senate Joint Resolution No. 473 -- Memorials, Congratulations -- Randy Rayburn, "Randy Rayburn School of Culinary Arts" at Nashville State Community College.

Senate Joint Resolution No. 474 -- Memorials, Death -- Dr. Eugene W. Fowinkle.

Senate Joint Resolution No. 476 -- Memorials, Death -- Judge Leon Ruben.

Senate Joint Resolution No. 477 -- Memorials, Death -- John Bachman Hardcastle.

Senate Joint Resolution No. 478 -- Memorials, Retirement -- Cecil "Harry" Chambers.

Senate Joint Resolution No. 479 -- Memorials, Death -- Roswell Rhea Browder.

Senate Joint Resolution No. 480 -- Memorials, Death -- Alberta Ahler Ross.

Senate Joint Resolution No. 481 -- Memorials, Retirement -- Chief Ricky Watson.

Senate Joint Resolution No. 483 -- Memorials, Congratulations -- Fred J. Page High School marching band, Tennessee Division II Reserve Grand Champion.

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

LOCAL BILL **CONSENT CALENDAR**

Senate Bill No. 2110 -- Jonesborough -- As introduced, subject to local approval, modernizes the city charter. Amends Chapter 135 of the Acts of 1903; as amended.

On motion, Senate Bill No. 2110 was made to conform with **House Bill No. 2152**.

On motion, House Bill No. 2152, on same subject, was substituted for Senate Bill No. 2110.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CALENDAR

Senator Norris moved that **Senate Bill No. 353** be rereferred to the Committee on Calendar, which motion prevailed.

TUESDAY, JANUARY 10, 2012 -- 40TH LEGISLATIVE DAY

Senator Beavers moved that **Senate Bill No. 1088**, as amended, be placed on the first Calendar in February 2012, which motion prevailed.

NOTICE

THE SENATE LOTTERY STABILIZATION TASK FORCE REPORT

The report was received and filed with the Clerk.

RECALL OF BILL

On motion of Senator McNally, **Senate Bills Nos. 1005 and 1006** were recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator McNally, Senate Bills Nos. 1005 and 1006 were withdrawn from the Senate.

MOTION

Senator Faulk moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 489**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 489 by Senator Faulk.
Memorials, Recognition -- Volunteer High School marching band.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 489** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 488**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 488 by Senator Faulk.
Memorials, Death -- Charles A. Fuller.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

TUESDAY, JANUARY 10, 2012 -- 40TH LEGISLATIVE DAY

On motion, **Senate Joint Resolution No. 488** was adopted.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Haynes, **Senate Bill No. 347** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Haynes, Senate Bill No. 347 was withdrawn from the Senate.

MOTION

Senator Norris moved that the Proposed Schedule for the week of January 9, 2012, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF JANUARY 9, 2012**

TUESDAY – January 10

12:00 noon	Session – Senate Chamber
2:00 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – January 11

1:00 p.m. – 2:00 p.m.	Education Committee
2:00 p.m. – 3:00 p.m.	Joint Subcommittee of Government Operations - Education, Health & General Welfare (Room 12)
3:00 p.m. – 5:00 p.m.	Joint Transportation Committee (Room 16)

THURSDAY – January 12

9:00 a.m.	Session – Senate Chamber
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FRIDAY – January 13

9:00 a.m.	Session – Senate Chamber
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NOTE: Caucus Meetings – 9:00 a.m., Wednesday, January 11, 2012

RECALL OF BILL

On motion of Senator Ketron, **Senate Bill No. 782** was recalled from the Committee on Finance, Ways and Means.

WITHDRAWAL OF BILL

On motion of Senator Ketron, Senate Bill No. 782 was withdrawn from the Senate.

APPOINTMENTS

Pursuant to Senate Rules 3, 73 and 74, the Speaker announced the appointments for the Senate of the One Hundred Seventh General Assembly:

APPOINTMENT OF SPEAKER PRO TEMPORE

Pursuant to Rule 3, Senator Bo Watson of Hixson County was appointed Speaker Pro Tempore.

APPOINTMENT OF DEPUTY SPEAKER

Senator Steve Southerland of Cocke County was appointed Deputy Speaker.

COMMERCE, LABOR AND AGRICULTURE

Johnson (R), Chairperson; Faulk (R), Vice Chairperson; Burks (D), Secretary; Beavers (R), Gresham (R), Southerland (R), Stewart (D), Tate (D) and Tracy (R).

EDUCATION

Gresham (R), Chairperson; Tate (D), Vice Chairperson; Kelsey (R), Secretary; Berke (D), Burks (D), Campfield (R), Crowe (R), Summerville (R) and Tracy (R).

ENERGY AND ENVIRONMENT

Southerland (R), Chairperson; Johnson (R), Vice Chairperson; Summerville (R), Secretary; Bell (R), Faulk (R), Roberts (R), Herron (D), Marrero (D) and Stewart (D).

FINANCE, WAYS AND MEANS

McNally (R), Chairperson; Henry (D), Chair Emeritus and Vice Chairperson; Watson (R), Secretary; Finney (D), Haynes (D), Gresham (R), Kelsey (R), Ketron (R), Kyle (D), Norris (R) and Overbey (R).

GOVERNMENT OPERATIONS

Bell (R), Chairperson; Watson (R), Vice Chairperson; Harper (D), Secretary; Crowe (R), Kyle (D), Massey (R), Roberts (R), Summerville (R) and Tate (D).

HEALTH AND WELFARE

Crowe (R), Chairperson; Watson (R), Vice Chairperson; Roberts (R), Secretary; Ford (D), Henry (D), Herron (D), Massey (R), McNally (R) and Overbey (R).

JUDICIARY

Beavers (R), Chairperson; Overbey (R), Vice Chairperson; Bell (R), Secretary; Barnes (D), Campfield (R), Ford (D), Kelsey (R), Marrero (D) and Yager (R).

STATE AND LOCAL GOVERNMENT

Yager (R), Chairperson; Johnson (R), Vice Chairperson; Finney (D), Secretary; Campfield (R), Faulk (R), Harper (D), Haynes (D), Ketron (R) and Norris (R).

TRANSPORTATION AND SAFETY

Tracy (R), Chairperson; Southerland (R), Vice Chairperson; Yager (D), Secretary; Barnes (D), Beavers (R), Berke (D), Henry (D), Ketron (R) and Massey (R).

CALENDAR

Faulk (R), Chairperson; Norris (R), Vice Chairperson; and Kyle (D), Secretary.

ETHICS

Watson (R), Chairperson; Burks (D), Vice Chairperson; Haynes (D), Ketron (R) and Norris (R).

RULES

Norris (R), Chairperson; McNally (R), Vice Chairperson; Henry (D), Secretary; Kelsey (R) and Kyle (D).

MOTION

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolutions Nos. 472 and 474**.

On motion of Senators Berke, Harper, Henry, Herron and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 473**.

On motion of Senators Harper, Haynes, Herron and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 476**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Joint Resolution No. 477**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 479**.

TUESDAY, JANUARY 10, 2012 -- 40TH LEGISLATIVE DAY

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 486**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 252**.

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 1323**.

On motion of Senators Norris and Southerland, their names were added as sponsors of **Senate Bill No. 2123**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 2124**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 2149; and House Joint Resolution No. 438**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 2157**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2165**.

ENGROSSED BILLS

January 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 469, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 483, 488 and 489; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

January 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 486, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

January 10, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 481, concurred in by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, JANUARY 10, 2012 -- 40TH LEGISLATIVE DAY

ENROLLED BILLS

January 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 481, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

SIGNED

January 10, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 481.

MESSAGE FROM THE HOUSE

January 10, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 481, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, January 10, 2012: Senate Joint Resolutions Nos. 469, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481 and 483.

This the 5th day of January, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Tuesday, January 10, 2012: Senate Bill No. 2110.

This the 5th day of January, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, January 10, 2012: Senate Bills Nos. 353 and 1088.

TUESDAY, JANUARY 10, 2012 -- 40TH LEGISLATIVE DAY

This the 5th day of January, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Friday, January 13, 2012: Senate Bills Nos. 1513, 1514 and 1515.

This the 11th day of January, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, January 12, 2012, which motion prevailed.